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Inaccuracies in names are also frequent. For instance, M. Magne, the great financier, becomes M. Magnac (p. 37); while Admiral de Montagnac becomes Admiral Montaigne (p. 46).

The *Nation* has already called attention to the surprising rendering of *Ralliés* by Mugwumps; but what shall we say of a translator who renders *une conception un peu sceptique du monde* by a "non-sceptical (!) conception of the world" (p. 222), and of an editor who speaks of Bossuet's *Discourse on Natural History*?

Miss Hapgood's performance is preceded by an introduction which bears the signature of Dr. Albert Shaw, and which speaks of "her well-known fidelity and skill!"

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Domesday Book and Beyond: Three Essays in the Early History of England. By FREDERIC WILLIAM MAITLAND, LL.D. Cambridge, The University Press, 1897. — xiii, 527 pp.

Under this modest title Professor Maitland has put forth a masterly treatise which illumines many important phases of English constitutional history in the Anglo-Saxon and Norman periods. His book is a remarkable combination of minute scholarly research and broad generalization concerning some of the most fundamental questions of early English history, and his views are presented in a lucid, attractive style which we are not accustomed to find in learned historical monographs. Most disquisitions on the hide and the plough-land, the *bordarii* and the *radmanni*, of "Domesday Book" are dreary reading; but Professor Maitland holds our attention in all his "meanderings" through the mazes of the great survey.

There is a deftly woven thread of thought running through his three essays, and this thread has an anti-Seebohm hue; it is the first elaborate effort that has been made to controvert Seebohm's brilliant deductions. The "Germanists," or adherents of the older theory of manorial development, have long awaited a work of this sort. They were thankful for what Allen, Earle, Andrews and Vinogradoff had achieved, but that was not sufficient: the arguments of Seebohm and Fustel de Coulanges were not yet adequately refuted. While Professor Maitland aims to controvert Seebohm's conclusions, his tone is not polemical; he has a happy faculty of striking heavy blows with a gloved hand. He strikes blows, moreover, not merely at the "Romanists," but also at the apostles of the older school. His work is, indeed, thoroughly original: he does not move along any well-trodden path.

To indicate in detail the varied contents of this volume would require many pages; here it is possible only to state briefly the author's main conclusions. In the first essay, entitled "Domesday Book," he shows that the great survey is, above all, a tax book, for its main theme is the "geld." The villein's lord is answerable for the geld due to the crown from the land which the villein holds. This is a matter of importance, because he who pays the tax for the land will be regarded as its owner. There is in "Domesday Book" much evidence that the villeins and sokemen, the tillers of the soil, are being depressed by the geld. The word "manor" in "Domesday Book" is a technical term, meaning simply "a house against which geld is charged." The state will endeavor to collect this tax in large sums.

It will endeavor to make the great folk answer for the geld which lies on any land that is in any way subject to their power; thus the cost of collecting petty sums will be saved and the tax will be charged on men who are solvent.

In other words, the king gets at the poor through the rich. The burden ultimately falls on the peasants, for they keep the tax collector from their doors by promising the lord heavy rents and services. Thus the geld is one of the forces that contributed to the growth of seignorial authority and the manorial system.

Passing to the feudal superstructure, our author finds feudalism or vassalism in existence before 1066. Many thegns held their land "under" the king or some other lord, though numerous royal thegns were able to forsake their lord, "to go to what lord they please." There was, indeed, among the Anglo-Saxons something very like military tenure. Though the Conqueror defined the amount of military service which each tenant-in-chief owed to the crown, it seems questionable whether he introduced any very new principle. The Anglo-Saxon host was no longer the nation in arms. The lord was bound to bring into the field a certain number of *milites*, perhaps one man for every five hides.

It is not improbable that one of the forces that is attaching the small free proprietors to the manors of their lords is this "five-hide rule"; they are being compelled to bring their acres into five-hide units, to club together under the superintendence of a lord who will answer for them to the king.

Thus, in the Confessor's time the villeins occupied lands for which their lords gelded and for which their lords fought.

In the last section of the essay on "Domesday Book" Dr. Keutgen's theory regarding the origin of German towns is applied to England.

What legal principle distinguishes the borough from the township or village in the tenth and eleventh centuries? That is the problem which Professor Maitland desires to solve. He believes that the typical Anglo-Saxon borough was a fortified town, maintained by a county or district for military purposes and invested with a special peace and with its own court. The special royal peace conferred upon fortified places "is the original principle which serves to mark off the borough from the village." Thus, the ancient boroughs are in their inception royal boroughs; though the king was rarely the landlord of all the burgesses, his peace prevailed in the streets; the profits of the court and of the market were his. Some strong arguments are advanced in support of this theory; and, even if the theory may ultimately be regarded as untenable, this section will be read with profit, for it throws much light on the early municipal history of England.

The second essay, "England before Domesday," will probably attract more attention than the other two, because it deals more fully with the most fundamental question of early English history—the question whether the population of England in the seventh and eighth centuries consisted mainly of dependent serfs or of independent freemen, whether the English manorial system is to be traced back to the Roman *villa* with its slaves and *coloni* or to the gradual substitution of the manorial organization for peasant proprietorship. Professor Maitland rejects what he calls "the Romanesque theory." He believes that early in the Anglo-Saxon period there was a large class of freemen who tilled land which they owned; that the Celtic population did not survive as the serfs of the conquering chieftains; that "our true villages, the nucleated villages with large 'open fields,' are not Celtic, are not Roman, but are very purely and typically German." He contends that Seeböhm's theory gives no rational explanation of the state of things revealed to us by "Domesday Book" and no rational explanation of seignorial justice. The manorial system was slowly evolved as the result of various causes—the transfer of royal rights to lay and spiritual magnates, the "commendation" of the weak to the strong, the encroachments of the lords and the pressure of Danegeld. Seignorial justice, which may be traced far back into the Anglo-Saxon period, was due mainly to royal grants of immunity or jurisdiction. Though our author argues that in England there were once many free or lordless villages, peopled by free land-owning ceorls and their slaves, he rejects the old doctrine which places the ownership of the soil, or of large tracts of the soil, in free

village communities : he does not believe that land belonged to communities before it belonged to individuals. It will be difficult for the followers of Seebohm to answer Professor Maitland's brilliant arguments in favor of the gradual growth of the manorial system — the gradual subjection of free landowners and their land to seignorial authority. Apart from that fundamental question, this essay is a valuable contribution to Anglo-Saxon constitutional history.

In the third essay our author deals with the "dreary old question," What was the hide? But in his hands it ceases to be dreary, because he points out its bearing on larger problems. "That question about the hide," he says, "is 'pre-judicial' to all the great questions of early English history." He declares against Kemble's 30-acre hide, and believes that the normal tenement of the German settler in England, the typical holding of each free family, was a hide of 120 acres of arable land. This view is supported by arguments drawn from Anglo-Saxon documents and especially by the evidence of "Domesday Book."

If we are right about this matter . . . some important consequences follow. We may once and for all dismiss as a dream any theory which would teach us that from the first the main and normal constitutive cell in the social structure of the English people has been the manor. To call the ceorl's tenement of 120 acres a manor, though it may have a few slaves to till it, would be a grotesque misuse of words, nor, if there is to be clear thinking, shall we call it an embryo manor, for by no gradual process can a manor be developed from it. There must be a coagulation of some three or four such tenements into a single proprietary unit before that name can be fairly earned.

In other words, this definition of the hide leaves little room for the Roman villa system with its population of serfs and *coloni*.

This work will hold a very high rank both as an exposition of "Domesday Book" and as a survey of the early institutions of England. Professor Maitland has fathomed the "deep speech" which the Conqueror had with his wise men at Gloucester in 1085. He has blazed through "Domesday Book" a new path leading far into the "Beyond." He has done what, in his concluding words, he hopes his successors may do: he has made more thinkable "the thoughts of our forefathers, their common thoughts about common things."

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